

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

ASATA D. LOWE EL,)	
)	
<i>Petitioner,</i>)	
)	
v.)	No. 3:06-cv-435
)	(VARLAN/SHIRLEY)
WAYNE BRANDON, Warden, et al.,)	
)	
<i>Respondents.</i>)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED WITHOUT PREJUDICE**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous.

ENTER :

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt
CLERK OF COURT